

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PEARSON EDUCATION INC., et al.,

Plaintiffs,

-against-

DOE 1 D/B/A ANYTHING YOU CAN IMAGINE, et
al.,

Defendants.
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No. 18-CV-7380 (PGG) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

This matter has been referred to me for Inquest After Default. (ECF 239). By **May 27, 2021**, Plaintiffs shall serve on Defendants and file an inquest memorandum setting forth proof of damages. Plaintiffs shall also serve a copy of this Order on Defendants by **April 22, 2021** and file an affidavit of service on the docket.

Plaintiffs' proposed findings of fact and law should specifically tie the proposed damages figure to the legal claim(s) on which liability has been established. Further, Plaintiffs' proposed damages figures should be supported by documentary evidence and/or one or more affidavits by an individual with personal knowledge establishing the proposed figures. *See RGI Brands LLC v. Cognac Brisset-Aurige, S.A.R.L.*, No. 12-CV-1369 (LGS) (AJP), 2013 WL 1668206, at *6 (S.D.N.Y. Apr. 18, 2013) (noting burden on plaintiff to establish damages amount with "reasonable certainty"). Plaintiffs must also include documentation, including contemporaneous time records, supporting any requested attorney's fees and costs.

Defendants' opposition papers shall be filed by **June 10, 2021**.

The Court hereby notifies the parties that it may conduct this inquest solely on the written submissions of the parties. *See Action S.A. v. Marc Rich & Co., Inc.*, 951 F.2d 504, 508 (2d Cir. 1991). If any party seeks an evidentiary hearing on damages, such party must include the request in its papers, as well as provide reasons why a hearing is necessary and detail what types of additional evidence would be presented at the hearing.

SO ORDERED.

Dated: April 15, 2021
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge